

NEWS RELEASE

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Paul J. McNulty, the United States Attorney for the Eastern District of Virginia, and Raymond Gruender, United States Attorney for the Eastern District of Missouri, announced that William Harvey, 41 of Washington, Missouri, was sentenced today by the Honorable Jean Hamilton, United States District Judge in the Eastern District of Missouri, for distributing pirated software over the Internet in violation of federal criminal copyright infringement laws. Harvey previously pled guilty to a single count Information on March 1, 2004, charging him with infringement of a copyright. Judge Hamilton sentenced Harvey to four months imprisonment, four months home confinement and one year of supervised release.

Harvey is one of nine individuals prosecuted for distribution of pirated computer software following an eight month investigation by the FBI. The investigation, identified as "Operation Cybernet," targeted individuals nationwide for operating computer sites on the Internet that illegally distributed pirated copies of software, movies, games and music. These individuals advertised their computer sites in the Usenet newsgroup "alt.2600.warez" and various Internet relay chat channels dedicated to the trafficking of pirated software. Operation Cybernet culminated on July 24, 2001, with the simultaneous execution of nine search warrants in various parts of the country.

The operation specifically targeted violators of the No Electronic Theft ("NET") Act, a 1997 law which makes it illegal to reproduce or distribute on a large scale copyrighted works, such as software programs, even if the defendant acts without a commercial purpose or for private financial gain. The NET Act was enacted by Congress to combat the growing threat of piracy over the Internet in light of the realization that a significant amount of online criminal copyright infringement involves the free downloading of pirated software, games, movies and music from warez sites. Defendant Harvey admitted operating a warez File Transfer Protocol (FTP) server from a personal computer located in Collinsville, Illinois, where he resided at the time of the investigation.

The Cybernet investigation was conducted by the FBI's Washington Field Office and prosecuted by Assistant U.S. Attorneys Scott J. Stein from the Eastern District of Virginia, Jeffery Jensen, from the Eastern District of Missouri and Clement McGovern from the Computer Crimes and Intellectual Property Section of the Department of Justice. The defendant was originally charged in the Eastern District of Virginia by way of Information on March 1, 2004 and, with the consent of the Eastern District of Missouri, the case was transferred to the Eastern District of Missouri for disposition.

